



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,447	08/14/2000	Roy Morris	FCENT.004A	9487

20995 7590 06/19/2003

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

EXAMINER

PARTON, KEVIN S

ART UNIT	PAPER NUMBER
----------	--------------

2153

DATE MAILED: 06/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/638,447

Applicant(s)

MORRIS ET AL.

Examiner

Kevin Parton

Art Unit

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 12-44 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-11 in Paper No. 7 is acknowledged.
2. Claims 12-44 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 7.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

4. The abstract of the disclosure is objected to because it exceeds the maximum allowed number of words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall

Art Unit: 2153

have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 7-9 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Dadiomov et al. (USPN 6,529,932).
7. Regarding claim 7, Dadiomov et al. (USPN 6,529,932) teach a system for sending a message from a service center to a remote system comprising:
 - a. A first message queue in communication with the service center system (figure 2).
 - b. A host message agent in communication with the first message queue (figure 2, 'MQ Manager').
 - c. A remote message agent in communication with the host message agent via a communications medium (figure 2).
 - d. A second message queue attached to the remote message agent and to the remote system (figure 2, element 78).
 - e. The first message queue configured to store the message and the status of the message (figure 2, element 116; column 6, lines 62-65), and to receive updates to the status of the message from the host message agent (column 8, lines 22-25), the host message agent sending the message to the remote message agent across the communications medium (column 7, lines 31-35), the remote message agent sending an acknowledgement of the message to the host message agent upon receipt of the message (column 8, lines 20-25), and the remote

Art Unit: 2153

message agent passing the message to the second message queue for access by the remote system (column 7, lines 21-25).

8. Regarding claim 8, Dadiomov et al. (USPN 6,529,932) teach all the limitations as applied to claim 7, They further teach means wherein the host agent periodically sends the message to the remote system again until an acknowledgement is received (column 7, lines 47-52).

9. Regarding claim 9, Dadiomov et al. (USPN 6,529,932) teach all the limitations as applied to claim 7. They further teach means wherein the communication medium comprises at least in part the Internet (column 4, lines 14-18).

10. Regarding claim 11, Dadiomov et al. (USPN 6,529,932) teach all the limitations as applied to claim 7. They further teach means wherein the communications medium is available between the host message agent and the remote message agent on an intermittent basis (column 4, lines 14-19). Note that the use of a modem makes the connection inherently intermittent.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 1-6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dadiomov et al. (USPN 6,529,932).

13. Regarding claim 1, Dadiomov et al. (USPN 6,529,932) teach a system for sending a message from a service center system to a remote system with means for:

- a. Providing a first message queue for the service center system to store the status of the message (figure 2, element 112).
- b. Providing a second message queue for the remote system to store the status of each message received (figure 2, element 94).
- c. Connecting a host message agent to the first message queue (figure 2, 'MQ Manager').
- d. Connecting a remote message agent to the second message queue (figure 2, 'MQ Manager').
- e. Updating the status of the message in the first message queue (figure 4, element 208; column 6, lines 62-65).
- f. Sending the message from the host message agent to the remote message agent across a communications medium (figure 2; column 5, lines 7-9).
- g. Passing the message from the remote message agent to the second message queue (figure 2; column 5, lines 7-9).
- h. Updating the status of the message in the second message queue (column 7, lines 65-66; column 8, lines 20-23).
- i. Sending an acknowledgement of the message from the remote message agent to the host message agent across the communications medium (column 5, lines 11-19; column 8, lines 20-26).
- j. Updating the status of the message in the first message queue (column 8, lines 25-30).

Although the system disclosed by Dadiomov et al. (USPN 6,529,932) shows substantial features of the claimed invention, it fails to disclose specifically means for passing the message from the first message queue to the host agent.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Dadiomov et al. (USPN 6,529,932).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Dadiomov et al. (USPN 6,529,932) by employing the use of a message queue for messages being sent. As shown above, the responding node of the Dadiomov et al. (USPN 6,529,932) system does use a message queue. Since the sending node generates one message and sends it without delay, the node does not use a message queue. It does however, as shown above, save the messages and status in a queue. It is obvious that if multiple messages were to be generated and sent in order, that a queue for sending them would be used. This would benefit the system by allowing for the ordering and sending of messages in a system where the communications channel is not always available.

14. Regarding claim 2, Dadiomov et al. (USPN 6,529,932) teach all the limitations as applied to claim 1. They further teach means wherein the host message agent will periodically send the message again if an acknowledgement of the message is not received (column 7, lines 47-52).

15. Regarding claim 3, Dadiomov et al. (USPN 6,529,932) teach all the limitations as applied to claim 1. They further teach means wherein the communication medium comprises at least in part the Internet (column 4, lines 14-18).

Art Unit: 2153

16. Regarding claims 4 and 10, although the system disclosed by Dadiomov et al. (USPN 6,529,932) (as applied to claims 3 and 9, respectively) shows substantial features of the claimed invention, it fails to specifically disclose means wherein the remote system communicates with the Internet via a wireless communications network.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Dadiomov et al. (USPN 6,529,932).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Dadiomov et al. (USPN 6,529,932) by employing the use of a wireless connection to the communications network. The reference does not limit the connectivity of the computer (column 4, lines 22-25). The use of a wireless connection benefits the system by allowing for use from a very wide range of users in physically separate locations.

17. Regarding claim 5, although the system disclosed by Dadiomov et al. (USPN 6,529,932) (as applied to claim 4) shows substantial features of the claimed invention, it fails to specifically disclose means wherein the wireless communications network is a cellular radio frequency network.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Dadiomov et al. (USPN 6,529,932).

A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Dadiomov et al. (USPN 6,529,932) by employing the use of a cellular radio frequency network connection. The reference does not limit the connectivity of the computer (column 4, lines 22-25). The use of a cellular

Art Unit: 2153

network benefits the system because it increases the availability of access to a wider range of users. Cellular access is highly available.

18. Regarding claim 6, Dadiomov et al. (USPN 6,529,932) teach all the limitations as applied to claim 1. They further teach means wherein the communications medium is available between the host message agent and the remote message agent on an intermittent basis (column 4, lines 14-19). Note that the use of a modem makes the connection inherently intermittent.

Conclusion

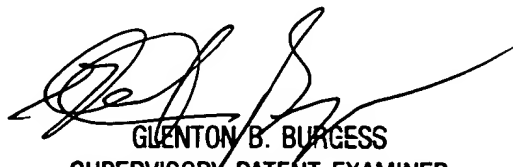
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-9242 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Kevin Parton
Examiner
Art Unit 2153

ksp
June 16, 2003


GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Application/Control Number: 09/638,447

Art Unit: 2153

Page 9